

TOWN OF SOUTHAMPTON

Department of Land Management
Zoning Board of Appeals
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968

Phone: (631) 287-5700
Fax: (631) 287-5754



ANNA THRONE-HOLST
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PRELIMINARY AGENDA – NOT OFFICIAL

SOUTHAMPTON TOWN ZONING BOARD OF APPEALS PUBLIC HEARING AGENDA March 5, 2015

The Zoning Board of Appeals meeting is held in the Town Board Room, 116 Hampton Road, Southampton. Applications are scheduled to begin at 7:00 p.m., or shortly thereafter. Applications may not be heard in the order as they appear on this agenda. Current agendas may be viewed on the internet at the following address: www.southamptontownny.gov

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES

Please note: Applications highlighted in GRAY have requested an adjournment or have requested to withdraw the application

MINOR VARIANCE REVIEW

SCTM - HAMLET

None scheduled for this meeting

NEW APPLICATIONS

SCTM – HAMLET

- Dianne Barilli** (appl. 1500017) Brian 900-191-1-7 Hampton Bays
17C Oakhurst Road
Applicant requests relief from Town Code §330-84(D) (pyramid height) for a proposed encroachment in the amount of 6,102.3 cubic feet (6,028.6 cf (front elevation) + 73.7 cf (side elevation)) for a proposed 2nd story addition to an existing residence and relief from Town Code §330-115(C) and §330-115(E) (continuance) for a proposed principal rear yard setback of 22.7 feet where 27 feet is existing for a proposed two-story addition and 2nd story balcony, and to 21.53 feet to the northerly roof overhang (eave) where 25.83 is the setback to a permitted eave encroachment on a nonconforming lot and any other relief necessary.
- David Sicular & Lilian Stern** (appl. 1500015) Helene 900-81-3-21 Water Mill
450 Hayground Road
Applicant requests relief from Town Code §330-115C (continuance) for a principal minimum side yard setback of 14 feet where 23.7 feet is existing for a proposed one story garage addition, outdoor shower with trellis above on a nonconforming lot.

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NEW APPLICATIONS – Continued

SCTM – HAMLET

3. **Strong Oil Company, Inc.** (appl. 1500016) Keith 900-229-1-5 Hampton Bays
250 East Montauk Highway
Applicant requests relief from the following provisions of the Town Code to allow the installation of a 1,000 gallon propane tank on a nonconforming lot: (i) §330-83G(1)(a) (yards): to allow the proposed tank to be located within the minimum required transitional rear yard of 50 feet, (ii) §330-34 (business districts table of dimensional regulations) for a distance from street setback of 94.7 feet where 100 feet is required, and (iii) §330-34 for an accessory rear yard setback of 40.4 feet where 50 feet is required. In addition, applicant requests relief from the following provisions of the Town Code for an existing 20' wide by 4' high wall sign as located on the easterly façade of the accessory building used for accessory retail sales as follows: i) §330-205A(wall signs): §330-205A(1): To allow the operating entity(Strong Oil Co.) to display a wall sign(FOOD MART) that is not part of the official recorded name of the operating entity and therefore, does not represent the business entity that operates from the building to which the sign relates and, as such, is not a permitted wall sign, ii) §330-205A(1) To allow a wall sign with an area of 80 square feet that exceeds the maximum allowable area permitted of 31.5 square feet, iii) §330-205A(1): To allow a wall sign with a width of 20 feet that exceeds the allowable maximum width of 15.75 feet and any other relief necessary.

4. **John F. McDonough** (appl. 1500018) Adam 900-15-1-31 Noyac
25 Long Beach Lane
Applicant requests a determination that the subject parcel SCTM# 900-15-1-31 is held in single and separate ownership from the adjacent parcel identified as SCTM# 900-15-1-30 and thus entitled to relief pursuant to §330-115D.

5. **Antony Cappadoro & Janet Cappadoro** (appl. 1500020) 900-349-2-49 Eastport
21 North Bay Avenue Denise
Applicant requests relief from the following provisions of the Town Code to legalize an addition to northerly side of the existing dwelling and a wood deck addition to the front of the existing dwelling both constructed without the benefit of building permits on a nonconforming lot: For the addition to the northerly side of the existing dwelling: (i) §330-115D(1) (continuance) for a principal minimum side yard setback of 14.9 feet where 16 feet is permitted, and 12.9 feet to the northerly roof overhang(eave) where 14.5 feet is the setback to a permitted eave encroachment, and a total side yard setback of 33.6 feet where 40 feet is permitted; For the wood deck addition: (i) §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 39.5 feet where 40 feet is permitted, (ii) §330-76D (placement of accessory buildings and uses in all districts), (iii) §330-83A (yards) and (iv) §330-83C (yards) and any other relief necessary.

6. **285 Hayground Road, LLC** (appl. 1500019) 900-83-1-5.2 Water Mill
285 Hayground Road Laura
Applicant requests relief from §330-11 (residential districts table of dimensional regulations) for a principal front yard setback to 50.1 feet where 60 feet is required and a rear yard setback to 60(+/-) feet where 70 is required for a proposed two-story dwelling. In addition, applicant requests relief from §330-11.2J(1) (accessory apartment special standards) to allow two access driveways to remain on a lot that has an accessory apartment and any other relief necessary.

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NEW APPLICATIONS – Continued

SCTM – HAMLET

7. **Robert J. Lobb** (appl. 1500021) Brian 900-103-1-53 Water Mill
15 Huntington Lane
Applicant requests relief from Town Code §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (yards) to allow a detached garage to be located within the total required side yard of the principal building as a result of a new proposed addition to the existing dwelling and any other relief necessary.
8. **Asset Properties, LLC** (appl. 1500022) Denise 900-105-1-17.6 Bridgehampton
41 Harvest Lane
Applicant requests relief from Town Code Section 330-77D (placement of accessory buildings and uses in residence districts) to allow a proposed rear yard coverage of 26.74% where a maximum of 20% is permitted for the location of a proposed tennis court and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

9. **James Bradshaw** (appl. 1500007) Laura 900-82-1-8.19 Water Mill
193 Narrow Lane
Applicant requests a determination as to whether or not the proposed accessory building (barn) is a subordinate or incidental building pursuant to §330-5 (definitions) because of its size in proportion to the main dwelling and relief from §330-77C (placement of accessory buildings and uses in residence districts) to allow the height of the proposed building to be 28'-8" where a maximum height of 20 feet is permitted and any other relief necessary.
10. **Theresa Cantwell Irrevocable Trust** (appl. 1500006) Adam 900-264-4-13 Hampton Bays
5 Cornell Place
Applicant requests relief from the following provisions of the Town Code §330-11.2F (accessory apartment special standards) to legalize the construction of an accessory apartment in the basement of an existing dwelling without the benefit of a building permit on a lot that is less than 30,000 square feet : (i) a lot area of 10,125 square feet where 16,000 square feet is required, (ii) lot width of 75 feet where 84 feet is required, (iii) a principal minimum side yard setback of feet 10.1 where 14 feet is required, and (iv) a principal total side yard of 26.8 feet where 28 feet is required. In addition, applicant requests relief from §330-11.2G(1) to allow the size the accessory apartment to be in excess the maximum allowable 35% of the total floor area of the principal dwelling on a nonconforming lot and any other relief necessary.

NEW - ADJOURNED APPLICATIONS

SCTM – HAMLET

None scheduled for this meeting

SCOPING SESSION

SCTM – HAMLET

None scheduled for this meeting

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RE-OPENED APPLICATIONS

SCTM – HAMLET

11. **Walter C. & Irene Stachecki** 900-30-1-45.10 (f/k/a 45.8 & 45.9)
54 Old Sag Harbor Road Bridgehampton
On August 20, 2009, by decision number D012586, this Board granted the applicant side yard setback relief for a proposed swimming pool, side and rear yard setback relief for a proposed deck and side yard setback relief for a proposed two-story garage. By letter dated February 9, 2015, Timothy McCulley, attorney for the applicant, has requested that the Board re-open the hearing and amend said decision to allow the pool and deck to be reconfigured with a setback of 25 feet instead of the 44 feet as stated in the decision. On February 19, 2015, this Board voted to re-open this application and further discuss said amendment request.

HOLDOVER APPLICATIONS

SCTM – HAMLET

Adjourned from the 09/02/10, 10/21/10, 12/2/10, 1/20/11, Re-Ad 2/3/11; adjourned from 2/17/11, 3/3/11, and the 3/17/11; Held over from the 5/19/11 meeting; adjourned from the 6/16/11, 7/21/11, 9/15/11, 10/20/11, 1/19/12, 2/16/12, 4/5/12, 6/21/12, and the 9/20/12 meeting (Final Adjournment); Held over from the 11/15/12 meeting; adjourned from the 2/21/13 and the 4/4/13 meeting: (FINAL ADJOURNMENT); Re-advertised from the 6/20/13, 8/15/13, 9/19/13, 12/19/13, 3/6/14, 6/5/14 (Final Adjournment) meetings; adjourned from the 6/5/14 meeting (FINAL ADJOURNMENT); held over from the 7/3/14 meeting; adjourned from the 9/18/14 and the and the 1/15/15 meeting (FINAL ADJOURNMENT):

12. **Cynthia Mack & John Johnson** (appl. 1000089) Keith 900-53-1-19.1 & 85 Bridgehampton
1004 Bridgehampton/Sag Harbor Turnpike & 2247 Scuttlehole Road
Applicant requests to Amend application #100089, by the merging of the two lots (900-053-1-19.1 & 053-1-85) to change from one non-conforming use (car storage) to another non-conforming use (office) pursuant to §330-167(B)(3) and any other relief necessary.

Re-Opened and adjourned from the 12/1/11, 1/19/12, 2/16/12, 4/5/12, 6/21/12, and the 9/20/12 meeting (Final Adjournment); held over from the 11/15/12 meeting; adjourned from the 2/21/13 and the 4/4/13 meeting: (FINAL ADJOURNMENT); held over from the 6/20/13 and the 8/15/13 meeting; adjourned from the 9/19/13, 12/19/13 and the 3/6/14 (FINAL ADJOURNMENT) meeting; adjourned from the 6/5/14 meeting; held over from the 7/3/14 meeting; adjourned from the 9/18/14, and the 1/15/15 meeting (FINAL ADJOURNMENT):

13. **JTEN, Inc.** (appl. 1100096) Adam 900-231-1-31 Hampton Bays
295 East Montauk Highway
Applicant is requesting relief for two signs on a nonconforming lot: Sign no.1 is an existing amortized awning sign and the request for relief is as follows: §330-205H: Any identification and lettering on such awnings or canopies shall be limited to the edge of the awning and shall be no more than six inches in height, but where a large sign is located on the angled surface of the fabric material. Sign no. 2 is a proposed freestanding sign and the request for relief is as follows: 1. §330-205B(2): Each freestanding sign permitted hereunder shall be set back at least 20 feet from all property lines unless the average front yard setback of existing buildings located within 200 feet on either side of such sign is less than 10 feet, in which case the setback of such sign may be equal to the average setback of such adjacent buildings, but where the proposed setback is 2'-6" from the front property line, 2. §330-84(D) (pyramid law) for an encroachment into the sky plane the amount of 12 cubic feet and any other relief necessary.

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HOLDOVER APPLICATIONS - Continued

SCTM – HAMLET

Adjourned from the 11/6/14 meeting; held over from the 12/4/14 meeting; adjourned from the 2/5/15 meeting:

14. **Peconic Bay Marina, LLC & Peconic Residence, LLC** (a.k.a. Lobster Inn)
 (appl. 1400117) 1 & 22 Inlet Road West and 2145 County Road 39
 900-176-1-50 & 24 and 900-176-2-1.3 Herb Shinnecock Hills
 Applicant requests a modification of ZBA Decision D012472, dated December 18, 2008, in order to construct 25 condominiums and an associated club house in a modified design with additional and different relief including the right to extend the approved plan to encompass a new parcel, SCTM# 900-176-1-24 without increasing the number of units. For SCTM 900-176-1-24, applicant requests a use variance, that is, relief from Town Code §330-6 (general regulations) and §330-10 (residential table of use regulations) to allow the construction of multiple housing units. For SCTM 900-176-1-50, applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a front yard setback of 40.5 feet where 50 feet is required, and relief from Town Code §330-76D (placement of accessory buildings and uses in all districts) and Town Code §330-83C (yards) for a proposed tennis court to be located in the required front yard. For SCTM 900-176-2-1.3, applicant seeks relief from (i) Town Code 330-11 for a principal front yard setback of 20 feet where 50 feet is required; (ii) Town Code §330-84D (pyramid height) for a proposed pyramid encroachment in the amount of 4, 825 cubic feet along Springdale Road (Inlet Road West) for a proposed club house; and (iii) relief from Town Code §330-167B(3) to allow a change from one nonconforming use to another, to wit, from a restaurant to a clubhouse associated with a residential yacht club community and marina. Applicant also seeks relief from Town Code §330-11, Town Code §330-76D, Town Code §330-83C, and Town Code §330-83A(4) to allow a proposed deck with a height greater than one foot above ground level attached to the clubhouse to be located within the required front yard with a setback of 9.4 feet from Springdale Road/Inlet Road West where 40 feet is required. In addition, applicant requests relief from Town Code §330-77A (placement of accessory buildings and uses in residence districts) to allow accessory parking to be located in the required front yard and any other relief necessary.

RE-OPEN FOR SUBMISSIONS ONLY

don't use these headings unless needed

RE-OPEN

SCTM – HAMLET

DECISIONS

DATE CLOSED

SCTM – HAMLET

Thomas R. Gustin & Deborah R. Gustin	Laura	2/19/15	900-5-4-47	Noyac
Walter Sullivan III (written submissions)	Adam	2/19/15	900-318-3-39.41	East Quogue
George Rothman	Herb	2/19/15	900-317-1-10	East Quogue

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DECISIONS - Continued

DATE CLOSED

SCTM – HAMLET

OneWH, LLC (written submissions)	Laura	2/19/15	900-357-3-24	Westhampton
Highland Terrace, LLC	Helene	2/19/15	900-87-3-15	Bridgehampton
Ryan S. Saboe (written submissions)	Keith	2/19/15	900-264-2-14	Hampton Bays
Alicia Indorante (written submissions)	Adam	2/19/15	900-338-1-11 & 902-2-1-60	East Quogue
Karen Greatrex (written submissions)	Laura	2/5/15	900-26-2-32	Sag Harbor
Meenakshi Chockalingam	Adam	2/5/15	900-359-4-29	Quogue